

Codified  
Ordinances  
of  
Fayette  
Ohio

Complete to January 1, 2015

CERTIFICATION

We, Ruth B. Marlatt, Mayor, and Karin Sauderlender, Fiscal Officer, of Fayette, Ohio, pursuant to Ohio Revised Code 731.23 and 731.42, hereby certify that the general and permanent ordinances of the Village of Fayette, Ohio, as revised, rearranged, compiled, renumbered as to sections, codified and printed herewith in component codes are correctly set forth and constitute the Codified Ordinances of Fayette, Ohio, 2008, as amended to January 1, 2015.

/s/ Ruth B. Marlatt  
Mayor

/s/ Karin Kauderlender  
Fiscal Officer

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Cleveland, Ohio

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ROSTER OF OFFICIALS

FAYETTE, OHIO

(2015)

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Solicitor

The publisher  
expresses its appreciation

to

all Village officials who gave  
their time and counsel to the preparation  
of the 2015 Replacement Pages  
to the Codified Ordinances.

## ORDINANCE 2008-09

AN ORDINANCE ENACTING A CODE OF ORDINANCES FOR THE VILLAGE OF FAYETTE, STATE OF OHIO, AND REVISING, AMENDING, RESTATING, CODIFYING AND COMPILING CERTAIN EXISTING GENERAL ORDINANCES OF THE POLITICAL SUBDIVISION DEALING WITH SUBJECTS EMBRACED IN SUCH CODE OF ORDINANCES, AND DECLARING AN EMERGENCY.

WHEREAS, the present general and permanent ordinances of the political subdivision have been subjected to substantial review and revision, requiring rearranging and reclassification in a form and substance sufficient for the complete preservation of the public peace, health, safety and general welfare of the municipality and for the continued and proper conduct of its affairs; and

WHEREAS, the Acts of the Legislature of the State of Ohio empower and authorize Ohio political subdivisions generally, and the Village of Fayette specifically, to revise, amend, restate, codify and compile any existing ordinances and all new ordinances not heretofore adopted or published and to incorporate such ordinances into one ordinance in book form; and

WHEREAS, the Fayette Village Council has authorized a general compilation, revision and re-codification of the ordinances of the Village of Fayette of a general and permanent nature and publication of such ordinance in book form; and

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect at an early date.

NOW, THEREFORE, BE IT ORDAINED BY THE FAYETTE VILLAGE COUNCIL THAT:

Section 1. The general ordinances of the Village of Fayette as revised, amended, restated, codified, and compiled in book form are hereby adopted as and shall constitute the "Code of Ordinances of the Village of Fayette, Fayette, Ohio."

Section 2. Such Code of Ordinances as adopted in Section 1 shall consist of the following Titles:

PART ONE - Administrative Code  
 PART THREE - Traffic Code  
 PART FIVE - General Offenses Code  
 PART SEVEN - Business Regulation Code  
 PART NINE - Streets, Utilities and Public Services Code  
 PART ELEVEN - Planning and Zoning Code  
 PART THIRTEEN - Building Code  
 PART FIFTEEN - Fire Prevention Code

- Section 3. All prior ordinances pertaining to the subjects treated in such Code of Ordinances shall be deemed repealed from and after the effective date of this ordinance except as they are included and reordained in whole or in part in such Code; provided, such repeal shall not affect any offense committed or penalty incurred or any right established prior to the effective date of this ordinance, nor shall such repeal affect the provisions of ordinances levying taxes, appropriating money, annexing or detaching territory, establishing franchises, or granting special rights to certain persons, authorizing public improvements, authorizing the issuance of bonds or borrowing of money, authorizing the purchase or sale of real or personal property, granting or accepting easements, plat or dedication of land to public use, vacating or setting the boundaries of streets or other public places; nor shall such repeal affect any other ordinance of a temporary or special nature or pertaining to subjects not contained in or covered by the Code.
- Section 4. Such Code shall be deemed published as of the day of its adoption and approval by the Fayette Village Council, and the Village Administrator for the Village of Fayette is hereby authorized and ordered to file and maintain a copy or copies of such Code of Ordinances in all applicable locations where such information is properly filed and maintained.
- Section 5. Such Code shall be in full force and effect as provided in Section 6, and such Code shall be presumptive evidence in all courts and places of the ordinance and all provisions, sections, penalties and regulations therein contained and of the date of passage, and that the same is properly signed, attested, recorded, and approved and that any public hearings and notices thereof as required by law have been given.
- Section 6. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of this municipality, and shall take effect at the earliest date provided by law.

PASSED AND ADOPTED by the Fayette Village Council on this 28 day of August, 2008.

ATTEST: Lisa Zuver  
Fiscal Officer

MAYOR: Anita L. VanZile  
Mayor

**CONTENTS**

**PRELIMINARY UNIT**

General Index

Comparative Section Table

Tables of Special Ordinances

---

**CODIFIED ORDINANCES OF FAYETTE, OHIO**

**PART ONE - Administrative Code**

**PART THREE - Traffic Code**

**PART FIVE - General Offenses Code**

**PART SEVEN - Business Regulation Code**

**PART NINE - Streets, Utilities and Public Services Code**

**PART ELEVEN - Planning and Zoning Code**

**PART THIRTEEN - Building Code**

**PART FIFTEEN - Fire Prevention Code**

## EDITOR'S NOTE

The arrangement and numbering of the Codified Ordinances into component codes, titles, chapters and sections are based on an adaptation of the decimal numbering system which is similar to that used in the Ohio Revised Code, and in accord with the best accepted practice in instituting a codification. Each section is self-identifying as to code, chapter and section number. For example, 305.06 indicates that the code number is 3, the chapter number is 305 (or the 5th chapter within code 3), and the section number is .06. The code and chapter numbers appear left of the decimal, with the code number preceding the first two digits left of the decimal, and the chapter number being all digits left of the decimal. The section number appears right of the decimal. As another example, 113.10 indicates the code number is 1, the chapter number is 113 (or the 13th chapter within code 1), and the section number is .10.

This numbering system has the advantage of inherent flexibility in allowing for an almost endless amount of expansion. Codes, titles and chapters initially are odd-numbered, thus reserving the use of even numbers for future legislation. Sections within chapters are consecutively numbered, except that penalty provisions are usually assigned the number .99 as used in the Revised Code. Newly created sections subsequent to the original codification may be indicated by three digits right of the decimal in the event the law properly belongs between two consecutively numbered sections. For example, newly created 575.061, 575.062 and 575.063 follow 575.06 and precede 575.07 to be placed in their logical position.

Section histories enable a user to trace the origin of the law contained in the section. The history indicates the derivation by reference to either its passage date and the ordinance number originally assigned to it at that time, or to its inclusion in any prior code. Sections without histories indicate that the section contains new matter which was ordained by the Adopting Ordinance which enacts the Codified Ordinances.

The Comparative Section Table is included to show the disposition of every ordinance included in the Codified Ordinances. It indicates whether a given ordinance was consolidated with another into one section or split into two or more sections. Cross references direct the user to subject matter reasonably related to material contained within a given chapter.



## GENERAL INDEX

EDITOR'S NOTE: References are to individual code sections. As additional aids for locating material, users are directed to:

- (a) The comparative Section Table which indicates in the Codified Ordinances the disposition of the ordinances or resolutions integrated therein.
- (b) The table of contents preceding each component code, and the sectional analysis preceding each chapter.
- (c) The cross references to related material following each chapter analysis.

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<p><b>ABANDONMENT</b></p> <ul style="list-style-type: none"> <li>animal 505.04</li> <li>excavations 521.03</li> <li>junk motor vehicle 303.09</li> <li>refrigerator, airtight container 521.01</li> </ul> <p><b>ACCIDENT</b></p> <ul style="list-style-type: none"> <li>impounding vehicle 303.08</li> <li>injurious material on street 311.01</li> <li>off-highway motorcycle 375.07</li> <li>property, other               <ul style="list-style-type: none"> <li>than street, on 335.13, 335.14</li> </ul> </li> <li>realty, damaging 335.14</li> <li>snowmobile or all               <ul style="list-style-type: none"> <li>purpose vehicle 375.07</li> </ul> </li> <li>street, on 335.12</li> <li>unattended vehicle 335.12, 335.13</li> </ul> <p><b>ADMINISTRATOR</b> (see VILLAGE ADMINISTRATOR)</p> <p><b>ADULT BUSINESS ESTABLISHMENTS</b></p> <ul style="list-style-type: none"> <li>zoning regulations 1157.03, 1159.03</li> </ul>	<p><b>ADVERTISING</b> (see also SIGNS)</p> <ul style="list-style-type: none"> <li>fireworks sale 1519.04(e)</li> <li>massage, unlawful advertising 533.15</li> <li>traffic control device, on 313.07</li> </ul> <p><b>AIDING OR ABETTING</b> 501.10</p> <p><b>AIR POLLUTION</b></p> <ul style="list-style-type: none"> <li>noxious or offensive odors 521.09</li> <li>vehicle air cleaner required 337.25</li> </ul> <p><b>AIRTIGHT CONTAINER</b></p> <ul style="list-style-type: none"> <li>abandoned 521.01</li> </ul> <p><b>ALARM</b></p> <ul style="list-style-type: none"> <li>false alarm 509.07</li> </ul> <p><b>ALCOHOL</b> (see INTOXICANTS; INTOXICATION)</p> <p><b>ALLEY</b></p> <ul style="list-style-type: none"> <li>defined 301.03</li> <li>parking in 351.11</li> </ul>
---	---

<b>ALLEY (Cont.)</b>			<b>ANIMALS (Cont.)</b>	
right of way			hunting prohibited	505.11
entering	331.17		impounding and disposition	505.02
junction of alleys	331.16		killing or injuring	505.05
leaving	331.22, 331.23		noxious odors from shelter	521.09
speed limit	333.03		nuisance	505.08
turning into	331.11		parks, in	959.02
width	1107.03		poisoning	505.06
<b>ALL PURPOSE VEHICLE</b>			police dog or horse	525.15
accident report	375.07		running at large	505.01
bicycle path use prohibited	373.11		sidewalk, defacing	521.04
certificate of title	375.08		street, on	303.05
definitions	375.01		<b>ARREST</b>	
equipment	375.02		resisting	525.09
operation permitted	375.04		shoplifters	545.04
operator's license	375.05		<b>ARSON (see also FIRE)</b>	
registration	375.06		conditions governing	541.02
<b>AMENDMENTS (see also specific subject involved)</b>			determining property value	541.01
Codified Ordinances, effect of	101.04		posting laws	1501.06
<b>AMUSEMENT, PLACE OF</b>			<b>ASSAULT</b>	
trespass on place of			domestic violence	537.14
public amusement	541.10		inciting to violence	509.011
<b>ANIMAL-DRAWN VEHICLES</b>			negligent	537.04
freeway, prohibited on	303.06(b)		physical harm	537.03
lights, emblem	337.10		temporary protection order	537.15
<b>ANIMALS</b>			vehicular assault in	
abandoning	505.04		construction zone	537.021
assistance dog, assaulting	525.15		<b>ASSEMBLY</b>	
barking or howling dogs	505.09		disturbing lawful	509.04
bites	505.10		public place, nonsmoking	521.10
coloring; poultry sale or display	505.12		street, on; permit	311.02
cruelty			<b>ASSURED CLEAR</b>	
companion animals, to	505.071		<b>DISTANCE</b>	331.09. 333.03
generally	505.07		<b>ATTEMPT</b>	501.09
dangerous or vicious dogs	505.14		<b>AUXILIARY POLICE UNIT</b>	139.02
dog registration	505.03		<b>BAD CHECK</b>	545.09
exotic or dangerous escape	505.13			
freeway, on	303.06			

<b>BARRICADES AND WARNING LIGHTS</b>			<b>BLACKJACK</b> (see WEAPONS)	
required		521.03		
<b>B-B GUNS</b>		549.08	<b>BLIND PERSON</b> (see also HANDICAPPED PERSONS)	
<b>BEER</b> (see INTOXICANTS; INTOXICATION)			right of way	371.02
<b>BETTING</b> (see GAMBLING)			<b>BOAT</b>	
<b>BICYCLE</b> (see also MOTORCYCLE)			storage	1115.06
bell, signal device		373.05	<b>BONDS</b>	
brakes		373.06	fireworks exhibition	1519.02(c)
defined		301.04	<b>BOOKMAKING</b> (see GAMBLING)	
freeway, on		303.06	<b>BRAKES</b> (see VEHICLE EQUIPMENT)	
handle bars		373.02	<b>BRASS KNUCKLES</b> (see WEAPONS)	
lights		373.06	<b>BRIDGE</b>	
motorized	301.04(b),	373.10	parking on prohibited	351.03
parking		373.09	pedestrian on	371.10
paths exclusively for bicycles		373.11	speed on	333.05
reckless operation	373.02(d),	373.08	<b>BRUSH</b> (see TREES)	
reflector		373.06	<b>BUILDING</b> (see also DWELLING)	
riding abreast		373.04	accessory in	
right side of street		373.07	residential districts	1147.01
seat use		373.02	certificate of	
Traffic Code application		373.01	occupancy required	1121.06
traffic rules, obedience to		373.07	definitions	1117.01
vehicle, attaching to		373.03	height	
<b>BINGO</b>			Planned Industrial/Business	
definitions	517.01(r) et seq.		Park M-3	1163.09
exceptions		517.13	R-1 District, in	1137.04
instant bingo			R-2 District, in	1139.04
charitable organizations		517.09	schedule of regulations	1167.01
conduct		517.07	maintenance (see PROPERTY MAINTENANCE)	
location		517.10	nonconforming (see USE REGULATIONS)	
veteran's or fraternal organization		517.14	one lot, one building	1133.03
methods of conducting		517.06	zoning conformance	1115.06
operator prohibitions		517.12		
raffles		517.08		
records		517.11		
<b>BIRDS</b> (see ANIMALS)				

<b>BUILDING PERMIT</b>		<b>CERTIFICATE OF TITLE</b>	
flood damage prevention		motor vehicle	335.08
development permit	1327.03	off-highway motorcycle,	
material storage, required for	1309.05	all purpose vehicle	375.08
plat approval required	1109.03	<b>CHEATING</b>	517.05
sidewalks requirements	907.04		
<b>BUMPERS</b>	337.29	<b>CHECKS</b>	
<b>BURNS</b> (see WOUNDS AND BURNS)		passing bad	545.09, 545.091
<b>BUS</b> (see also COMMERCIAL AND HEAVY VEHICLE)		<b>CHILDREN</b> (see JUVENILE; MINOR)	
defined	301.05	<b>CHILD RESTRAINT SYSTEM</b>	337.26
school bus		<b>CIGARETTES, TOBACCO OR     ALTERNATE NICOTINE     PRODUCTS</b>	
defined	301.35	illegal distribution to minors	537.16
discharging children	331.38	<b>CIVIL RIGHTS</b>	
driving regulations	331.38	ethnic intimidation	541.08
stopping for	331.38	interfering with	525.13
stops, parking in	351.10	<b>CLERK-TREASURER</b> (see FISCAL OFFICER)	
<b>BUSINESS DISTRICTS</b> (see also COMMERCIAL DISTRICTS)		<b>CODIFIED ORDINANCES</b>	
defined	301.06	amendment, effect of	101.04
speed in	333.03	calendar; time	101.03
<b>CANDY</b>		conflicting provisions	101.06
adulterated	537.13	definitions, general	101.02
<b>CARRYING CONCEALED     WEAPON</b>	549.02	designation; citation	101.01
<b>CAR SEAT, CHILDREN'S</b>	337.26	headings	101.01
<b>CAT</b> (see ANIMALS)		legislative intent	101.07
<b>CATTLE</b> (see ANIMALS)		penalty, general	101.99
<b>CELL PHONE</b>		repeal, effect of	101.04
texting while driving prohibited	333.11	revivor	101.04
use prohibited while driving	335.032	rules of construction	101.03
<b>CERTIFICATE OF OCCUPANCY</b>		section references	101.05
construction, use as in application,		severability	101.08
plans, permits	1121.10	<b>COERCION</b>	537.09
failure to obtain	1121.09	<b>COIN MACHINE</b>	
records	1121.08	definitions	545.01
required	1121.06	slug use	545.11
temporary	1121.07	tampering	545.12

<b>COMMERCIAL AND HEAVY VEHICLE</b>		<b>COMMERCIAL DISTRICTS (Cont.)</b>	
air cleaner required	337.25	Highway Commercial District C-2(Cont.)	
brakes	337.18	uses	
brakes, engine or jake	337.31	conditionally permitted	1153.03
chains, spikes or lugs	339.10	principal permitted	1153.02
explosives, transporting	339.06	<b>COMMERCIAL DRIVERS</b>	
highway maintenance vehicle	301.161	criminal offenses	341.05
lights (see VEHICLE LIGHTS)		definitions	341.01
loads (see VEHICLE LOADS)		employment	341.06
maximum		exemptions	341.02
height	339.03	operation	341.03
length	339.03	prohibitions	341.04
width	339.03	<b>COMPANIES (see ORGANIZATIONS)</b>	
motor transportation companies,		<b>COMPENSATION</b>	
private carriers	339.02	improper	525.11
mud flaps	339.05	<b>COMPLICITY</b>	501.10
mud, tracking	339.08	<b>COMPOUNDING A CRIME</b>	525.04
permit, special	339.01	<b>COMPUTER CRIMES</b>	501.01, 545.01
road service vehicle	301.321, 333.031	<b>CONSPIRACY</b>	501.13
route information on request	339.04	<b>CONSTRUCTION</b>	
slower vehicles to		flood damage prevention	1327.04
use right lane	331.01	Planning Commission	
slow-moving, lights		approval required	1119.07
and emblem	337.10	sidewalks required	907.05
State route use	339.01, 339.02	temporary facilities	1115.06
towing requirements	339.07	vehicular assault in	
truck defined	301.49	construction zone	537.021
truck routes	339.02	<b>CONTRACT</b>	
van bodies, semi-trailers, tandem		interest, unlawful	525.10
trailers for storage	1179.06	<b>CONTROL (see also DRIVING)</b>	
wheel protectors	339.05	physical	333.01
<b>COMMERCIAL DISTRICTS (see also</b>		reasonable	331.34, 333.08
<b>ZONING DISTRICTS)</b>		<b>CORONER'S VEHICLE</b>	
fences, walls, barriers	1175.02	exemptions	303.041
General Business District C-1		right of way	331.21
area, height, bulk,			
placement	1151.05		
purpose	1151.01		
required conditions	1151.04		
uses			
conditionally permitted	1151.03		
principal permitted	1151.02		
Highway Commercial District C-2			
area, height, bulk,			
placement	1153.05		
purpose	1153.01		
required conditions	1153.04		

<b>CORPORATION</b> (see ORGANIZATIONS)			
<b>COUNCIL</b> (see also PUBLIC SERVANT)			
meetings			
notice of	103.02 et seq.		
zoning amendments			
action		1127.09	
notice of hearing	1127.07.	1127.08	
public hearing		1127.06	
<b>COUNTERFEIT CONTROLLED SUBSTANCES</b>		513.13	
<b>CREDIT CARD</b>			
defined		545.01	
misuse		545.10	
<b>CRIME</b> (see OFFENSE)			
<b>CRIMINAL</b>			
damaging and endangering		541.03	
mischief		541.04	
simulation	545.13		
tools, possession		545.19	
<b>CROSSWALK</b>			
defined		301.09	
obstructing		331.33	
parking on prohibited		351.03	
pedestrian right of way		371.01	
<b>CRUELTY</b>			
animals	505.07,	505.071	
children		537.07	
<b>CULPABILITY</b>			
criminal liability		501.07	
knowingly		501.08(b)	
mental states		501.08	
negligently		501.08(d)	
purposely		501.08(a)	
recklessly		501.08(c)	
<b>CURB</b>			
driving over			331.37
parking on prohibited			351.03
tree distance from			913.11
<b>CURFEW</b>			
probationary license			335.031
temporary instruction permit			335.03
<b>DANGEROUS ORDNANCE</b> (see also WEAPONS)			
defined			549.01
exceptions			549.01(k)
failure to secure			549.05
possession			545.19(b)
<b>DEFINITIONS</b> (see also specific subject involved)			
culpability			501.08
dangerous ordnance			549.01
detention			525.01
drug abuse			513.01
drug paraphernalia			513.12
explosives	549.01		
gambling			517.01
general			101.02
intoxicants			529.01
law enforcement officer			501.01
liquor control			529.01
material harmful			
to juveniles			533.01
obscenity			533.01
offense of violence			501.01
physical harm			501.01
property			501.01
public servant			525.01
sexual offenses			533.01
Subdivision Regulations			1103.01
theft and fraud			545.01

<b>DEFINITIONS (Cont.)</b>		<b>DRIVER'S LICENSE (see also</b>	
Traffic Code	Ch. 301	<b>COMMERCIAL DRIVERS)</b>	
weapon	549.01	application falsification	335.04(e)
Zoning Ordinance	1117.01	display	335.06
<b>DEFRAUDING</b>		fictitious, revoked, altered	335.04(a)
creditors	545.17	lending	335.04(b)
<b>DERELICTION OF DUTY</b>	525.12	motorcycle, off-highway	375.05
<b>DESECRATION</b>	541.07	motorcycle operator	335.01(a)
<b>DETENTION</b>		motorized bicycle	373.10
defined	525.01	nonresident driver	335.01(b)
shoplifters	545.04	permitting operation without	335.02
<b>DIRT BIKE (see MOTORCYCLE,</b>		possession	
<b>OFF-HIGHWAY)</b>		more than one	335.02
<b>DISCRIMINATION</b>		someone else's	335.04(c)
ethnic intimidation	541.08	probationary; curfew	335.031
<b>DISORDERLY CONDUCT</b>		prohibited acts	335.04
disturbing others	509.03	required	335.01
inducing panic	509.06	restriction violation	335.07
intoxicated persons	509.03	revoked or suspended	
parks, in	959.02	driving with	335.07
riot (see RIOT)		failure to surrender	335.04(d)
<b>DISTURBING THE PEACE</b>		reinstatement requirements,	
muffler noise	337.20	noncompliance with	335.073
racing vehicle motor	331.36	snowmobile or all	
squealing tires, peeling	331.36	purpose vehicle	375.05
vehicle exhaust noise	331.36	suspended, driving under	335.074
<b>DOGS (see ANIMALS)</b>		temporary, licensed	
<b>DOMESTIC VIOLENCE</b>	537.14	driver required	335.03
<b>DRAG RACING</b>	333.07	<b>DRIVEWAY</b>	
<b>DRAINAGE</b>		parking in front of	351.03
compliance required	521.05	repair/replacement of	
subdivision improvements	1107.11	approaches	907.08
		right of way	
		entering	331.17
		leaving	331.22, 331.23
		turning into	331.11
		<b>DRIVING</b>	
		accident (see ACCIDENT)	
		allowing another to	
		drive illegally	335.05
		approaching stationary public safety,	
		emergency, road	
		service vehicle	333.031
		assured clear distance	331.09, 333.03
		backing vehicle	331.13
		bicycle path use prohibited	373.11
		cell phone use prohibited	335.032
		certificate of title required	335.08

**DRIVING (Cont.)**

change of course	331.14, 331.34
closed road, on	331.26
construction zone,	
vehicular assault in	537.021
control of vehicle	331.34, 333.08
crosswalk, obstructing	331.33
directional signals required	337.30
divided street	331.31
drag racing	333.07
driver's view, control	331.25, 337.21
drunk or drugged	333.01
earplugs prohibited	331.43
electronic wireless communication	
device use prohibited	
while driving	335.032
entering or crossing roadway	
from other than roadway	
duty to yield	331.22
stopping at sidewalk	331.23
exhaust noises	331.36
financial responsibility law	
suspension or cancellation,	
driving under	335.072
fire hose, over	331.28
following	
emergency or safety vehicle	331.27
too closely	331.09
grade crossing	331.39, 331.40
hazardous zones	331.07
immobilization order	333.10
intersection	
obstructing	331.33
right of way	331.16
shortcutting	331.41
turning at	331.10
lanes, within	331.08
lane-use control	
signal indications	313.04
left side of street	331.06
one-way street	331.30
operate defined	301.201
OVI suspension, under	335.071
parks, in	959.02
passing	
left of center	331.05
left side	331.03
no passing zones	331.07
right side	331.02, 331.04
racing motor	331.36

**DRIVING (Cont.)**

reckless	
failure to control	331.34, 333.08
full time and attention	331.34
prohibited	333.09
willful, wanton disregard	333.02
right of way	
funeral procession	331.24
intersections	331.16
public safety vehicle	331.21
turning left	331.17
right side of street	331.01
rotary traffic island, around	331.30
safety zone, through	331.29
shortcutting	331.41
sidewalk, street lawn, curb; on	331.37
signals for turning	
or stopping	331.14, 331.15
speed (see SPEED)	
squealing tires	331.36
starting vehicle	331.13
stopping vehicle	333.04
stop signs	
emergency or public	
safety vehicle	331.20
operation at	331.14, 331.19
street racing	333.07
street under repair	331.26
suspended license	335.074
texting prohibited	333.11
turning	
driveway, alley or building	331.11
intersection, at	331.10
left, right of way	331.17
right on red	313.03(c)
signals	331.14, 331.15
U turns	331.12
traffic signal indications	313.03
unsafe vehicle	337.01
weaving	331.34
willful, wanton disregard	333.02
wrongful entrustment	
of a motor vehicle	335.05
yellow line	331.07
yield signs, operation at	331.18

**DRUG ABUSE**

adulterated food	537.13
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<b>DRUG ABUSE (Cont.)</b>		<b>ELECTRONIC WIRELESS COMMUNICATION DEVICE</b>	
attempt	501.09(e)	texting while driving prohibited	333.11
controlled substance test; offender to pay	513.14	use prohibited while driving	335.032
counterfeit controlled substances	513.13	<b>EMBLEM</b>	
definitions	513.01	motor vehicle, illegal use	525.14
driving under influence	333.01	<b>EMERGENCY</b>	
drug paraphernalia	513.12, 513.121	false alarm	509.07
drug samples	513.08	misconduct at	509.05
fireworks exhibitor	1519.03(d)	misuse of 9-1-1 system	537.12
hypodermic, possession and dispensing	513.04, 513.10	traffic direction	303.02
instruments	513.04	<b>EMERGENCY VEHICLE (see also PUBLIC SAFETY VEHICLE)</b>	
intoxicants, harmful		approaching when stationary	333.031
nitrous oxide in vehicle	513.11	defined	301.11
possession or use	513.07	exemptions	303.041
labels, prescription	513.09	following, parking near	331.27
marihuana		siren, whistle, bell	337.19
gift	513.02	speed exceptions	333.06
illegal cultivation	513.06	stop sign or signal, effect	331.20
paraphernalia	513.121	<b>ETHNIC INTIMIDATION</b>	541.08
possession or use	513.03	<b>EXCAVATIONS</b>	
permitting	513.05	abandoned, protection	521.03
possession or use	513.03	open, unprotected	1115.06
steroids, anabolic	513.03	parking near prohibited	351.03
synthetic drugs	513.15	sewer work	925.02(d)
walking on street		<b>EXPLOSIVES</b>	
under influence	371.09	defined	301.12, 549.01
weapon use while intoxicated	549.03	fireworks (see FIREWORKS)	
<b>DRUNK DRIVING</b>	333.01	transporting	339.06
<b>DWELLING (see also BUILDING)</b>		<b>FALSE INFORMATION</b>	
definitions	1117.01	traffic violation	303.10
elderly housing		<b>FALSE REPORTS</b>	
in R-3 District	1141.03	fire alarms	509.07
Manufactured Home		inducing panic	509.06
District M-H	1145.02	<b>FALSIFICATION</b>	
minimum floor space	1167.01	driver's license application	335.04(e)
Planned Unit Development, in	1169.06	license plate registration	335.09(f)
R-1 District, minimum size in	1137.04	prohibited	525.02
<b>E CIGARETTES</b>	537.16	<b>FEES</b>	
<b>ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE (see also WHEELCHAIR)</b>		fireworks exhibition permit	1519.02(c)
regulations	371.12		

<b>FEES (Cont.)</b>		<b>FIRE CODE, OHIO (Cont.)</b>	
Planned Unit Development application	1169.03	enforcement	1501.04
sewer rates and charges	925.05	penalty	1501.99
sidewalk enhancement	907.06	purpose	1501.02
Subdivision Regulations	1109.06	<b>FIRE HOSE</b>	
video service providers	721.01	driving over	331.28
Zoning Ordinance	1121.14	<b>FIRE HYDRANT</b>	
<b>FENCES AND WALLS</b>		parking near prohibited	351.03
barbed wire or electric	521.07	subdivision improvements	1107.11
General Business District C-1	1151.04	<b>FIREMAN</b>	
General Industrial District M-2	1159.05	directing traffic	303.02(a)
Highway Commercial District C-2	1153.04	<b>FIREPLACE, PORTABLE OUTDOOR</b>	
industrial/commercial districts	1175.02		1511.05
Light Industrial District M-1	1157.05	<b>FIRE SAFETY INSPECTOR</b>	
Manufactured Home District M-H	1145.02	certified	1501.04
residential districts	1175.01	disclosure of true status	1501.09
<b>FINANCE</b>		<b>FIRE STATION</b>	
Fiscal Officer	127.01	parking near prohibited	351.03
income tax (see INCOME TAX)		<b>FIRE TRUCK</b>	
investment policy	127.02	approaching stationary public safety vehicle	333.031
<b>FIRE (see also OPEN BURNING)</b>		following, parking near	331.27
arson (see ARSON)		<b>FIREWORKS (see also EXPLOSIVES)</b>	
arson, posting laws	1501.06	definitions	1519.01
bonfire	1511.05	exceptions	1519.05
equipment sale or use; installers	1501.10	exhibition permit; fee; bond	1519.02
false alarm	509.07	exhibitor	
parks, in	959.02	licensed	1519.02
setting fires which spread	1501.07	unlawful conduct	1519.03
unfriendly fire; alarm duties	1501.08	parks, in	959.02
<b>FIREARM (see WEAPONS)</b>		penalty	1519.99
<b>FIRE CODE, OHIO (see also FIRE)</b>		possession; sale; discharge	1519.04
adoption	1501.01	<b>FISCAL OFFICER (see also PUBLIC SERVANT)</b>	
application	1501.03	appointment; duties	127.01
compliance	1501.05	Clerk-Treasurer, replaces	127.01
conflict	1501.12	investment policy	127.02
copies	1501.11	<b>FLEA MARKET (see GARAGE SALES)</b>	

**FLOOD DAMAGE PREVENTION**

administration	1327.03
Administrator	1327.03(c)
definitions	1327.01
development permit	1327.03
general provisions	1327.02
hazard reduction	1327.04

**FOOD**

adulterated	537.13
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**FORGERY**

identification card	545.20
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**FOWL (see also ANIMALS)**

coloring; sale or display	505.12
running at large	505.01

**FRAUD**

bad check passing	545.09
credit card	545.10
creditors	545.17
definitions	545.01
insurance	545.07
personating an officer	545.16
securing writings by deception	545.15

**FREEWAY (see STREETS)****FUNERAL PROCESSION**

driving in	331.24
------------	--------

**GAMBLING**

bingo (see BINGO)	
bookmaking	517.02
cheating	517.05
definitions	517.01
games of chance	
conducting	517.02(d)
records	517.11
operating house	517.03
prohibited conduct	517.02
public gaming	517.04
raffles	517.08
skill-based amusement devices	517.15

**GARAGE SALES**

definition	715.01
length	715.03
penalty	715.99
permits	715.02
resale	715.04
signs	715.05

**GARBAGE AND RUBBISH**

deposits on public,	
private property	521.08
General Industrial	
District M-2	1159.04
Light Industrial District M-1	1157.04
parks, prohibited in	959.02
Planned Industrial/	
Business Park M-3	1163.06
property maintenance	1309.06
storage prohibited	1309.02

**GOLF CARTS**

377.01 et seq.

**GOLF COURSE**

R-1 District, in	1137.03
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**GRADING**

away from buildings	1115.06
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**GUN (see WEAPONS)****HALLOWEEN**

adulterated food	537.13
------------------	--------

**HANDICAPPED PERSONS**

assistance dog, assaulting	525.15
blind pedestrian	371.02
mobility device	371.12
parking locations	351.04

**HIGHWAY (see STREETS)****HITCHHIKING**

371.06

**HIT-SKIP (see ACCIDENT)****HOME OCCUPATIONS**

definition	1173.02
------------	---------

<b>HOME OCCUPATIONS (Cont.)</b>		<b>IMPOUNDING</b>	
nameplate allowed	1173.04	animals	505.02
necessary conditions	1173.03	vehicle	
permit	1173.07	private residential or	
permitted	1173.05	agricultural property	303.081
prohibited	1173.06	private tow-away zones	303.082
statement of purpose	1173.01	release; records; charge	303.083
		traffic violation	303.08
<b>HOMICIDE</b>		<b>INCOME TAX</b>	
failure to report	525.05(c)	allocation of funds	165.12
negligent	537.01	Board of Review	165.13
vehicular	537.02	collection	
<b>HORN</b>	337.19	at source	165.05
		unpaid taxes	165.10
<b>HORSES (see ANIMALS)</b>		credit for tax paid other	
		municipalities	165.17
<b>HOSPITAL</b>		declarations	165.06
R-3 District, in	1141.03	definitions	165.01
		effective date	165.03
<b>HUNTING</b>		effective period	165.18
prohibited	505.11	exemptions	165.15
		interest and penalties	165.09
<b>HYPODERMIC</b>		purpose; imposition	165.02
possession, dispensing	513.04, 513.10	reciprocity provision	165.17
		refunds	165.16
<b>IDENTIFICATION</b>		return, payment	165.04
refusal to disclose personal		savings clause	165.14
information in public		Village Income Tax Administrator	
place	525.17	duties	165.07
		investigative powers	165.08
<b>IDENTIFICATION CARD</b>		violations; penalties	165.11
forgery	545.20		
misrepresentation	529.021	<b>INDECENCY (see OBSCENITY;</b>	
		<b>SEXUAL OFFENSES)</b>	
<b>IDENTITY THEFT POLICY</b>	127.03		
		<b>INDUSTRIAL DISTRICTS (see also</b>	
<b>IMMOBILIZATION ORDER</b>		<b>ZONING DISTRICTS)</b>	
driving under	333.10	fences, walls, barriers	1175.02
		General Industrial District M-2	
<b>IMPERSONATION</b>		area, height, bulk,	
law enforcement officer		placement	1159.06
to defraud	545.16	industrial performance	
peace officer	525.03	standards	1159.04
<b>IMPORTUNING</b>	533.05		

**INDUSTRIAL DISTRICTS (Cont.)**

General Industrial District M-2 (Cont.)	
purpose	1159.01
review and approval	1159.05
uses	
conditionally permitted	1159.03
principal permitted	1159.02
industrial waste control	925.04
Light Industrial District M-1	
area, height, bulk,	
placement	1157.06
industrial performance	
standards	1157.04
purpose	1157.01
review and approval	1157.05
uses	
conditionally permitted	1157.03
principal permitted	1157.02
Planned Industrial/Business Park M-3	
access management	1163.05
area, height, bulk,	
placement	1163.09
landscape buffers	1163.07
performance standards	1163.06
purpose	1163.01
signage	1163.08
site plan review	1163.04
site plans	1163.03
uses, principal permitted	1163.02

**INSURANCE**

driving without	335.072
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**INSURANCE FRAUD**

	545.07
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**INTERSECTION**

defined	301.17
obstructing	331.33
parking in	351.03
right of way	331.16, 331.17
shortcutting	331.41
stop signs	313.02, 331.19
turning at	331.10

**INTOXICANT, HARMFUL**

possessing, using	513.07
trafficking	513.11

**INTOXICANTS**

consumption	
hours	529.08
motor vehicle, in	529.04
definitions	529.01
manufacture permit	529.05
open container	529.07
parks, in	959.02
permit for sale or manufacture	529.05
sale	
hours	529.08
intoxicated persons, to	529.03
low-alcohol beverages	529.06
minors, to	529.02, 529.06
permit	529.05
purchase by	
minors	529.06, 529.021
securing public	
accommodations	529.02

**INTOXICATION**

criminal liability	501.07
disorderly conduct	509.03
driving while	
intoxicated; testing	333.01
fireworks exhibitor	1519.03(d)
walking on street	371.09
weapon use	549.03

**INVASION OF PRIVACY**

voyeurism	533.06
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**JAYWALKING**

	371.03
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**JUNK MOTOR VEHICLE**

abandoned	351.14
impounding	303.09
public or private property	303.08
	303.09

**JUNK YARDS**

zoning regulations	1159.03
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<b>JURISDICTION</b>	501.05	<b>LICENSE</b> (see also PERMIT)	
<b>JUVENILE</b> (see also MINOR)		driving (see DRIVER'S LICENSE)	
delinquency, contributing to	537.18	fees (see FEES)	
material harmful to		motor vehicle license tax	169.01
deception to obtain	533.12	<b>LICENSE PLATES</b>	
displaying	533.13	display	335.09
disseminating	533.11	expired or unlawful; out of state	335.10
<b>KEYS</b>		illegal	
parking, removal	303.03, 351.07	impounding vehicle	303.08
<b>KNIFE</b> (see WEAPONS)		use of	335.11
<b>LANDSCAPING</b> (see also TREES)		rear, illumination	337.04
General Business District C-1	1151.04	unlicensed vehicle	351.14
Highway Commercial		unobstructed	335.10
District C-2	1153.04	<b>LICENSE TAX</b>	
Planned Industrial/Business		additional tax on	
Park M-3	1163.07, 1163.09	motor vehicles	169.02
<b>LAW ENFORCEMENT</b> (see specific		definitions; levy; exemptions	169.01
subject involved)		<b>LIGHTS, VEHICLE</b> (see	
<b>LAW ENFORCEMENT OFFICER</b> (see		VEHICLE LIGHTS)	
also PEACE OFFICER;		<b>LIMITATION OF</b>	
PUBLIC SERVANT)		PROSECUTION	501.06
defined	501.01	<b>LIQUOR</b> (see INTOXICANTS;	
dereliction of duty	525.12	INTOXICATION)	
failure to aid	525.06	<b>LITTERING</b>	
hampering at emergency	509.05	generally	521.08
ignition key removal	303.03	motor vehicle, from	331.42
personating	545.16	<b>LOITERING</b>	
refusal to disclose personal		solicitation, to engage in	533.091
information in public		<b>LOTS</b>	
place	525.17	definitions	1103.01, 1117.01
<b>LIABILITY</b>		fences on	1175.01, 1175.02
criminal		filing, draining	521.05
intoxication	501.07	Manufactured Home	
organizational	501.11	District M-H	1145.02
personal	501.07	nonconforming (see USE	
<b>LIBRARY</b>		REGULATIONS)	
rights; property damage	545.04	one lot, one building	1133.03

<b>LOTS (Cont.)</b>		<b>MINOR (see also JUVENILE)</b>	
one residential		contributing to delinquency of	537.18
structure per lot	1115.06	criminal child enticement	537.17
Planned Unit Development	1169.06	curfew	
R-1 District, in	1137.04	probationary license	335.031
R-2 District, in	1139.04	temporary instruction	
schedule of regulations	1167.01	permit	335.03
subdivision requirements	1107.07	distributing to	
zero lot line in R-1 District	1137.03	cigarettes, tobacco,	
		nicotine products	537.16
<b>MANHOLE COVER</b>		harmful intoxicants	513.11
tampering with	313.08	electric personal assistive	
		mobility device use	371.12(b)(c)
<b>MANSLAUGHTER,</b>		endangering	537.07
<b>VEHICULAR</b>	537.02	firearm purchase	549.07
		fireworks sale to	1519.04(d)
<b>MANUFACTURED HOME</b>		intoxicant sales	529.02, 529.06
occupying while moving	331.35	soliciting for organizations	707.03
		South Shelter House	
<b>MARIHUANA (see DRUG ABUSE)</b>		Pavilion, in	959.04
		unlawful sexual conduct	
<b>MASSAGE</b>		with a minor	533.03
advertising, unlawful	533.15		
		<b>MISDEMEANOR (see OFFENSE)</b>	
<b>MAYOR (see also PUBLIC SERVANT)</b>			
Auxiliary Police Unit, head of	139.02	<b>MISSILES</b>	549.09
<b>MEETING (see also specific</b>		<b>MOBILE HOME</b>	
<b>subject involved)</b>		occupying moving	331.35
disturbing lawful	509.04		
		<b>MOPED (see MOTORIZED BICYCLE)</b>	
<b>MEETING, PUBLIC</b>			
definitions	103.01	<b>MOTORCYCLE (see also BICYCLE)</b>	
general provisions	103.06	brakes	337.18
notice of meetings		defined	301.19
discussion of specific		handle bars	373.02
types of business	103.05	headlight required	337.03
news media, to	103.04	helmets; safety glasses	373.02
regular, organizational	103.02	license to operate	335.01(a)
special	103.03, 103.04	muffler	337.20
		off-highway (see MOTORCYCLE,	
<b>MENACING (see also THREATS)</b>		OFF-HIGHWAY)	
aggravated	537.05	rear-view mirror	337.21
physical harm	537.06	riding abreast	373.04
stalking, by	537.051	seat use	373.02
		vehicle, attaching to	373.03
<b>MINI-BIKE (see ALL</b>			
<b>PURPOSE VEHICLE)</b>			

**MOTORCYCLE, OFF-HIGHWAY**

accident reports	375.07
certificate of title	375.08
definitions	375.01
equipment	375.02
licensing requirements, operator	375.05
operation permitted	375.04
vehicle registration	375.06

**MOTORIZED BICYCLE**

definition	301.04(b)
driver's license	373.10
equipment	373.10
lights	337.02

**MOTOR VEHICLE**

all purpose (see ALL PURPOSE VEHICLE)	
certificate of title	335.08
criminal forfeiture of	335.05(c)
definitions	301.20, 301.51
driving (see DRIVING)	
emblem, illegal use	525.14
entering or leaving moving vehicle	371.06
equipment (see VEHICLE EQUIPMENT)	
homicide by	537.02
immobilization order	333.10, 335.05(c)
impounding private residential or agricultural property	303.081
release; records; charge	303.083
traffic violation	303.08
junk (see JUNK MOTOR VEHICLE)	
junk motor vehicle and parts	351.14
key removal	303.03, 351.07
license plates (see LICENSE PLATES)	
liquor consumption; open container	529.04
littering from	331.42

**MOTOR VEHICLE (Cont.)**

operation (see DRIVING)	
riding on outside	371.06
service station, sales, repair	1151.03
slow moving (see COMMERCIAL AND HEAVY VEHICLE)	
snowmobile (see SNOWMOBILE)	
tax (see LICENSE TAX)	
trespass	545.06
unauthorized use	545.06
unlicensed	351.14
unsafe	337.01
vehicular vandalism	541.09
weapon handling in	549.04
wrongful entrustment of	335.05

**MUFFLER (see VEHICLE EQUIPMENT)****MUSEUM**

desecration	541.07
rights; property damage	545.04

**NEGLIGENT HOMICIDE** 537.01**NOISE**

disorderly conduct	509.03
dogs barking or howling	505.09
General Industrial District M-2	1159.04
Light Industrial District M-1	1157.04
Planned Industrial/ Business Park M-3	1163.06
wind turbine	1181.04

**NONCONFORMING (see  
USE REGULATIONS)****NUISANCE**

animals	505.08
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**OBSCENITY**

definitions	533.01
materials harmful to juveniles (see JUVENILE)	
presumption of knowledge; actual notice and defense	533.02
telephone call, obscene	537.10



<b>OBSTRUCTING JUSTICE</b>	525.08	<b>OFFICIALS, MUNICIPAL</b> (see PUBLIC SERVANT)	
<b>OBSTRUCTING OFFICIAL BUSINESS</b>	525.07	<b>OHIO FIRE CODE</b> (see FIRE CODE, OHIO)	
<b>OBSTRUCTIONS</b>		<b>ONE-WAY STREET</b>	331.30
intersection; crosswalk	331.33	<b>OPEN BURNING</b> (see also FIRE)	
sidewalk	521.04	bonfires; permit	1511.05
stopping vehicle	333.04	definitions	1511.01
street, generally	311.01	EPA notification	1511.03
watercourse	521.05	penalty	1511.99
<b>ODORS</b>		permission and notice	1511.04
noxious or offensive	521.09	portable outdoor fireplaces	1511.05
<b>OFFENSE</b> (see also CRIMINAL; specific subject involved)		recreational fires	1511.01(l), 1511.05
attempt	501.09	relation to other prohibitions	1511.02
classification	501.02	restricted areas	1511.03
common law, abrogated	501.03	waste disposal prohibited	1511.03(b)
complicity in commission	501.10	<b>OPERATOR'S LICENSE</b> (see DRIVER'S LICENSE)	
compounding	525.04	<b>ORDINANCES AND RESOLUTIONS</b>	
construction, rules of	501.04	Codified (see CODIFIED ORDINANCES)	
failure to report	525.05	<b>ORGANIZATIONS</b>	
fraud (see FRAUD)		liability	501.11
gambling	517.01	penalty	501.99(b)
jurisdiction	501.05	personal accountability	501.12
liability	501.07	<b>OVI</b>	
motor vehicle or traffic		driving under suspension	335.071
offense, predicate	301.251	prohibitions	333.01
organizational (see ORGANIZATIONS)		<b>PARADE</b>	311.02
penalty	501.99	<b>PARKING</b>	
prior conviction	501.04(c)	alleys and narrow streets, in	351.11
prosecution limitation	501.06	angle	351.05
sexual (see SEXUAL OFFENSES)		bicycle	373.09
theft (see THEFT)		brake, setting	351.07
violent, defined	501.01	bus stop, in	351.10
<b>OFFENSES AGAINST PERSONS</b> (see specific subject involved)		double	351.03
<b>OFFENSES AGAINST PROPERTY</b> (see specific subject involved)			

**PARKING (Cont.)**

Downtown Business Area	351.15
emergency, safety	
vehicle, near	331.27
handicapped	351.04
impounding vehicle	303.08
junk or unlicensed vehicle	351.14
key removal	303.03, 351.07
liability for violation	351.02
loading zone	351.09
locations for handicapped	
persons	351.04
meter (see PARKING METERS)	
off-street (see PARKING AND LOADING, OFF-STREET)	
opening door on traffic side	351.08
owner	
nonliability, lease defense	305.05
prima-facie liable	351.02
parallel	351.04
posted private property	351.13
prohibited places	351.03, 351.12
removal of unattended vehicle	351.01
selling, washing or repairing vehicle	351.06
stopping engine	351.07
taxicab stand, in	351.10

**PARKING AND LOADING, OFF-STREET (see also PARKING)**

construction and operation	1179.05
loading requirements	1179.04
parking spaces	
layout, construction, maintenance	1179.03
number required	1179.02
requirements	1179.01

**PARKING METERS**

coin deposit	353.03
definitions	353.01
illegal parking	353.03
space	
parking within use regulated	353.02 353.04

**PARKS AND RECREATION**

definitions	959.01
hours; exceptions	959.03
penalty	959.99
prohibited conduct, activities; exceptions	959.02
South Shelter House Pavilion; minors	959.04

**PEACE OFFICER (see also LAW ENFORCEMENT OFFICER)**

false allegation	
of misconduct	525.16
false information given to	303.10
fleeing from	303.01
ignition key removal	303.03
traffic order, compliance with	303.01

**PEDESTRIAN**

blind person	371.02
bridge or railroad crossing, on	371.10
control signal, special	313.05
crosswalk, right half	371.04
crosswalk, right of way	371.01
defined	301.22
diagonal crossing of intersection	371.03
electric personal assistive mobility device	371.12(b)
freeway, on	303.06
hitchhiking	371.06
intoxicated on street	371.09
jaywalking	371.03
right of way, yielding	371.03, 371.08
sidewalk, right of way	371.07
sidewalk, use required	371.05
soliciting	371.06
street or highway, on	371.05
wheelchair, motorized	371.11
yielding to public safety vehicles	371.08

**PEEPING TOM** 533.06

<b>PENALTY</b> (see also specific subject involved)		<b>PLANNING COMMISSION</b>	
general	101.99	access to property	1119.06
general offenses	501.99	approval required	1119.07
Ohio Fire Code	1501.99	consultants employed	1119.05
Subdivision Regulations	1109.99	establishment	1119.01
Traffic Code	303.99	meetings, notice of	103.02 et seq.
		officers and rules	1119.02
		platting authority, as	1101.05
		powers	1119.04
		quorum	1119.03
		zoning amendments	1127.04, 1127.05
<b>PERMIT</b> (see also LICENSE)		<b>POISONING</b>	
bonfire	1511.05	adulterated food	537.13
commercial and heavy		animals	505.06
vehicle street use	339.01		
demolition	1183.01	<b>POLICE DEPARTMENT</b>	
fees (see FEES)		Auxiliary Police Unit	139.02
fireworks exhibition	1519.02	operating hours	105.01
garage sales, personal		Police Chief; responsibilities	139.01
property sale	715.02		
home occupation	1173.07	<b>POLICE OFFICER</b> (see	
intoxicant sale or manufacture	529.05	PEACE OFFICER)	
parades; street assembly	311.02		
sewer connections	925.02	<b>POLICE VEHICLE</b>	
temporary driver's instruction	335.03	approaching stationary public	
van bodies, semi-trailers, tandem		safety vehicle	333.031
trailers for storage	1179.06		
wind turbine	1181.01	<b>PRIVATE PROPERTY</b>	
zoning	1121.02	posted, parking	351.13
<b>PERSONAL INFORMATION</b>		<b>PRIVATE ROAD</b>	
refusal to disclose personal		right of way	
information in public		entering	331.17
place	525.17	leaving	331.22, 331.23
		turning into	331.11
<b>PHYSICAL CONTROL</b>	333.01		
		<b>PROCURING</b> (see PROSTITUTION)	
<b>PLANNED UNIT DEVELOPMENT PUD</b>			
(see also ZONING DISTRICTS)		<b>PROPERTY</b> (see also PROPERTY	
additional information		DESTRUCTION)	
required	1169.04	defined	501.01
changes to approved plan	1169.07	stolen (see THEFT)	
description	1169.02	unauthorized use	545.06, 545.08
expiration and extension			
of approval period	1169.08		
public hearing process	1169.05		
purpose	1169.01		
standards	1169.06		
zoning applications procedure	1169.03		

**PROPERTY DESTRUCTION**

arson	541.01, 541.02
criminal damaging or endangering	541.03
criminal mischief	541.04
deseccration	541.07
library; museum; archival institution	545.04
parks, prohibited in	959.02
shrubs, trees, crops	541.06
tampering (see TAMPERING)	
traffic signals	313.08
vehicular vandalism	541.09

**PROPERTY MAINTENANCE** (see also BUILDING)

definitions	1309.01
failure to comply; notice	1309.08
garbage and offal	1309.06
penalty	1309.99
required	1309.07
storage	
building materials; permit required	1309.05
offal, rubbish, building materials, scrap metal	1309.02
search warrant; police possession	1309.04
violations	1309.03

**PROSTITUTION**

defined	533.01
loitering to engage in solicitation	533.091
procuring	533.08
prohibited	533.10
soliciting	533.09

**PUBLIC ASSEMBLY**

nonsmoking areas	521.10
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**PUBLIC OFFICIAL** (see PUBLIC SERVANT)**PUBLIC SAFETY VEHICLE** (see also EMERGENCY VEHICLE)

approaching stationary public safety vehicle	333.031
defined	301.27
exemptions	303.041
following, parking near pedestrian to yield to	331.27
right of way	371.08
siren, whistle, bell	331.21
speed exceptions	337.19
stop sign or signal, effect	333.06
	331.20

**PUBLIC SERVANT**

civil rights interference	525.13
contract interest	525.10
defined	525.01
impersonation	525.03
improper compensation	525.11
obstructing	525.07

**QUARANTINE**

animal bites	505.10
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**RAILROAD**

definitions	301.28 et seq.
grade crossings	
driving across	331.39
obstructing	331.33
parking prohibited near pedestrian on	351.03
stopping at	371.10
	331.40

**RECEIVING STOLEN  
PROPERTY**

545.18

**RECKLESS DRIVING** (see DRIVING)**RECORDS AND REPORTS**

accident, snowmobile or all purpose vehicle	375.07
animal bites	505.10
animal impounding and disposition	505.02

**RECORDS AND REPORTS (Cont.)**

failure to report crime or death	525.05
tampering with	545.14
wounds and burns	525.05

**RECREATION (see PARKS AND RECREATION)****RECREATION BOARD**

compensation	143.03
established	143.01
meetings, notice of	103.02 et seq.
members; term	143.02
vacancies	143.04

**REFRIGERATOR**

abandoned	521.01
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**REPLACEMENT OPERATING LEVY**

allocation of funds	171.01
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**RESIDENCE DISTRICT**

defined	301.31
speed	333.03
through streets	313.02(b)

**RESIDENTIAL DISTRICTS (see also ZONING DISTRICTS)**

accessory buildings	1147.01
fences, walls, barriers	1175.01
First Density Residential District R-1	
area, height, bulk,	
placement requirements	1137.04
purpose	1137.01
uses	
conditionally permitted	1137.03
principal permitted	1137.02
Manufactured Home District M-H	
park site and development	
standards	1145.02
uses permitted	1145.01
Second Density Residential District R-2	
area, height, bulk,	
placement requirements	1139.04
purpose	1139.01
uses	
conditionally permitted	1139.03
principal permitted	1139.02

**RESIDENTIAL DISTRICTS (Cont.)**

signs	1177.02
swimming pools, private	1147.02
Third Density Residential District R-3	
area, height, bulk,	
placement requirements	1141.05
purpose	1141.01
site and landscape	
plan review	1141.04
uses	
conditionally permitted	1141.03
principal permitted	1141.02

**RESISTING ARREST** 525.09**RESTRAINT, UNLAWFUL** 537.08**RIGHT TURN ON RED** 313.03(c)**RIOT**

failure to disperse	509.02
prohibited	509.01

**ROAD SERVICE VEHICLE**

approaching	333.031
defined	301.321

**RUMMAGE SALES (see GARAGE SALES)****SAFETY ZONE**

driving through	331.29
parking prohibited	351.03

**SALES**

altering object to appear	
to have valve	545.13
criminal simulation of objects	545.13
fireworks	1519.04
garage (see GARAGE SALES)	
intoxicants	529.01
low-alcohol beverage	529.06
solicitations (see SOLICITING)	
vehicle, certificate of	
title required	335.08
weapons, unlawful transactions	549.06

**SCHOOL**

bus (see BUS)	
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<b>SCHOOL (Cont.)</b>		<b>SHOPLIFTERS</b>	
definitions	501.01(n) et seq.	detention and arrest	545.04
disorderly conduct	509.03(e)		
replica firearm on premises	549.10	<b>SHOPPING CENTERS</b>	
		Highway Commercial	
<b>SEAT BELT</b>		District C-2	1153.03
probationary license			
requirements	335.031	<b>SHORTCUTTING</b>	331.41
use required	337.27		
		<b>SIDEWALKS</b>	
<b>SEMITRAILER (see COMMERCIAL AND HEAVY VEHICLE)</b>		damage by Village	907.07
		defined	301.37
<b>SEPTIC TANK (see also SEWERS)</b>		driving over	331.37
permit; plat approval required	1109.03	electric personal assistive mobility device on	371.12
		inspection	907.01
<b>SEWERS</b>		maintenance	907.04
administration, enforcement	925.06	obstructing movement	509.03
building sewers and connections; permit	925.02	obstructions; damage or injury	521.04
charges		parking on prohibited	351.03
property owner liable	941.03	pedestrian right of way	371.07
rates	941.01	repair and cleaning	521.06
rates and charges	925.05	required use by pedestrian	371.05
Village right to change	941.04	standards and specifications	907.03
discharges	925.03(c)(d)	subdivision improvements	1107.11
general provisions	925.01	tree distance from	913.11
industrial waste	925.04, 1157.04, 1159.04, 1163.06	vehicle to stop at	331.23
Manufactured Home District M-H	1145.02		
public use	925.03	<b>SIGNS (see also ADVERTISING)</b>	
subdivision requirements	1107.01	Agricultural District	1173.07
tap-in fee	941.05	Commercial District	1173.08
		definitions	1117.02
<b>SEXUAL OFFENSES</b>		exemptions	1117.05
definitions	533.01	garage sales,	
importuning	533.05	personal property sale	715.05
imposition	533.04	general provisions	1177.03
indecent in public	533.07	home occupation nameplate	1173.04
massage, unlawful advertising	533.15	Industrial Districts	1173.08
prostitution (see PROSTITUTION)		off-premise	1173.06
unlawful sexual conduct		parks, in	959.02
with a minor	533.03	Planned Industrial/	
voyeurism	533.06	Business Park M-3	1163.08
		prohibited	1173.04
		residential districts	1177.07
		traffic (see TRAFFIC CONTROL DEVICE)	
		<b>SIREN</b>	
		prohibited on bicycle	373.05
		vehicle	337.19

<b>SKATEBOARDS</b>	311.03	<b>STALKING</b>	
<b>SLUG</b> (see COIN MACHINE)		menacing	537.051
<b>SMOKING</b>		trespass	541.051
parks, in	959.02	<b>STEALING</b> (see SHOPLIFTERS; THEFT)	
public assembly prohibitions	521.10	<b>STOP SIGN</b> (see TRAFFIC CONTROL DEVICE)	
<b>SNOW AND ICE</b>		<b>STORAGE</b>	
sidewalk, removal from	521.06	van bodies, semi-trailers, tandem trailers, in	1179.06
<b>SNOWMOBILE</b>		<b>STREET DEPARTMENT</b>	
accident report	375.07	operating hours	105.01
bicycle path use prohibited	373.11	<b>STREET LAWN</b>	
definitions	375.01	driving over	331.37
equipment	375.02	parking on prohibited	351.03
helmets; safety glasses	373.02	<b>STREET RACING</b>	333.07
operation		<b>STREETS</b>	
permitted	375.04	abandoned junk motor vehicle on	303.09
prohibited	375.03	animal on	303.05
operator's license	375.05	bicycle riding	373.07
registration	375.06	closing for repair, driving on	331.26
<b>SOLICITING</b>		defined	301.42
highway restrictions	371.06	definitions	1103.01, 1117.01
organizations		divided, driving procedure	331.31
minors soliciting for	707.03	dropping or throwing objects onto	541.09
multiple solicitors; forms	707.02	electric personal assistive mobility device on	371.12
penalty	707.99	expressway entering and leaving	331.32
private residences, at	707.01	freeway	
<b>SOLID WASTE</b> (see GARBAGE AND RUBBISH)		backing vehicle on	331.13
<b>SPEED</b>		entering and leaving	331.32
bridge, limitations on	333.05	prohibited use	303.06
construction zone,		injurious material, placing on	311.01
vehicular assault in	537.021	load, dropping on	339.08
emergency, public		obstructing movement	509.03
safety vehicle	333.06		
maximum limits	333.03		
slow, minimum	333.04		
street racing	333.07		

**STREETS (Cont.)**

obstruction	311.01
one-way, driving on	331.30
opening, widening, vacating:	
Planning Commission	
approval required	1119.07
parades; assembly on	311.02
parking prohibitions	351.03, 351.12
subdivisions, in	
design	1107.02
grades	1107.04
improvements required	1107.11
lighting	1107.09
width	1107.03
through	
right of way	331.18, 331.19
stop, yield signs	313.02
toy vehicles	311.03

**SUBDIVISION REGULATIONS**

applicability	1101.01
Commission (see PLANNING COMMISSION)	
compliance required	1101.04
definitions	1103.01
design standards, improvements	
blocks	1107.06
building lines	1107.08
drainage	1107.11
easement along streams	1107.10
easements	1107.05
fire protection	1107.11
lots	1107.07
required improvements	1107.11
sidewalks	1107.11
streets	
design	1107.02
grades	1107.04
lighting	1107.09
required	1107.11
width	1107.03
water lines	1107.11
water, sanitary sewer	1107.01
enforcement	
fees	1109.06
penalty	1109.99

**SUBDIVISION REGULATIONS (Cont.)**

enforcement (Cont.)	
permits	1109.03
plat revision after approval	1109.05
public improvements	1109.04
recording plat	1109.01
sale prior to recording	
prohibited	1109.02
flood damage prevention	1327.04
interpretation, purpose	1101.02
minor subdivisions, lot splits	1101.07
plat approval procedures	
final plat	1105.03
preliminary plat	
contents	1105.02
submission, approval	1105.01
scope	1101.03
sewers	925.03(b)
trees	913.09
variances	1101.06

**SUNSCREENING MATERIALS 337.28****SWIMMING POOLS**

R-1 District, in	1137.03
residential districts, in	1147.02

**SWITCHBLADE (see WEAPONS)****SYNTHETIC DRUGS 513.15****TAMPERING (see also PROPERTY DESTRUCTION)**

coin machine	545.12
criminal mischief	541.04
library; museum;	
archival institution	545.04
records	545.14
traffic control device	313.08

**TAXATION**

income (see INCOME TAX)	
motor vehicle (see LICENSE TAX)	

**TAXICAB**

stands, parking in	351.10
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**TELECOMMUNICATIONS**

harassment	537.10
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<b>TELECOMMUNICATION TOWERS</b>		<b>TOY VEHICLES</b>	
R-1 District, in	1137.03	attaching to vehicles	373.03
<b>TELEPHONE</b>		streets, on	311.03
harassment	537.10	<b>TRAFFIC CODE</b>	
misuse of 9-1-1 system	537.12	authority to regulate	305.01
<b>TEMPORARY PROTECTION ORDER</b>	537.15	definitions	Ch.301
<b>TEXTING</b>		government vehicles	303.07
prohibited while driving	333.11	misdemeanor classifications	303.99(a)
<b>THEFT</b>		penalties	303.99(b)
criminal tools, possession of	545.19	road workers, equipment	
definitions	545.01	excepted	303.04
felony exceptions	545.03	violation	305.04
library; museum;		violation nonliability	
archival institutions	545.04	lease defense	305.05
petty	545.05	<b>TRAFFIC CONTROL DEVICE</b>	
property		advertising on	313.07
defined	501.01(j)	alteration, removal	313.08
determining value	545.02	ambiguous	313.09
receiving stolen	545.18	avoiding	331.41
unauthorized use	545.08	beacon; hybrid beacon	301.031
shoplifters	545.04	center line, painted	313.08
vehicle		conformity with State Manual	305.02
alarm signal	337.19	defined	301.46
unauthorized use	545.06	hidden	313.07
<b>THREATS (see also MENACING)</b>		highway traffic signal	301.162
coercion	539.09	lane-use control	
<b>THROUGH STREET (see STREETS)</b>		signal indications	313.04
<b>TINTED WINDOWS</b>	337.28	nonworking	313.09
<b>TIRES (see VEHICLE EQUIPMENT)</b>		obedience required	313.01
<b>TOBACCO (see also SMOKING)</b>		parking near prohibited	351.03
illegal distribution to minors	537.16	pedestrian control signal,	
<b>TOW-AWAY ZONES</b>		special	313.05
private	303.082	permit for, on State route	305.03
<b>TOWING</b>		portable signal preemption	
requirements	339.07	devices prohibited	313.11
		posting required	305.01
		purchase, possession, sale	313.10
		removal, injury	313.08
		stop sign or signal	
		emergency vehicle	331.20
		operation at	331.19
		placing	313.02
		public safety vehicle	331.20
		right of way	331.19
		through streets, signs at	313.02
		traffic signal indications	313.03

<b>TRAFFIC CONTROL DEVICE (Cont.)</b>		<b>TRESPASS</b>	
unauthorized	313.07	aggravated	541.051
violations	305.04	amusement place, public	541.10
yield signs		land or premises	541.05
operation at	331.18	vehicle	545.06
placing	313.02	voyeurism	533.06
<b>TRAFFIC SIGNAL (see TRAFFIC CONTROL DEVICE)</b>		<b>TRUCK (see COMMERCIAL AND HEAVY VEHICLE)</b>	
<b>TRAILER</b>		<b>USE REGULATIONS</b>	
occupying while moving	331.35	certificate of occupancy	
<b>TREE COMMISSION</b>		required	1121.06
meetings, notice of	103.02 et seq.	conditional	
<b>TREE LAWN (see STREET LAWN)</b>		conditionally	
<b>TREES (see also LANDSCAPING)</b>		permitted uses	1133.05
abuse or mutilation	913.06, 913.07	First Density Residential	
adoption of rules	913.14	District R-1	1137.03
brush pick-up services		General Business	
criteria from right-of-way or		District C-1	1151.03
on Village property	953.02	General Industrial	
determining conformity	953.03	District M-2	1159.03
general provision	953.01	Highway Commercial	
penalty	953.99	District C-2	1153.03
rejected; removal;		Light Industrial	
nuisance declared	953.04	District M-1	1157.03
definitions	913.01	Open Space District O S	1135.03
destruction	541.06	Second Density	
distance from		Residential District R-2	1139.03
curb and sidewalk	913.11	Third Density Residential	
street corner, fire plug	913.12	District R-3	1141.03
penalty	913.99	conditional use permit	
prohibited on public property	913.05	approval procedure	1125.02
property owner duties	913.02	fee	1121.13
spacing	913.10	statement of purpose	1125.01
subdivisions, new	913.09	nonconforming lots and uses	
treelawn planting,		intent of regulations	1171.01
maintenance	913.08	lots of record	1171.05
utility wire, near	913.13	notification of	1171.07
Village may remove	913.03	repairs, maintenance	1171.06
Village responsibility	913.04	structures	1171.02
		uses of land	1171.03
		uses of structures	1171.04

**USE REGULATIONS (Cont.)**

permitted	
First Density Residential	
District R-1	1137.02
General Business	
District C-1	1151.02
General Industrial	
District M-2	1159.02
Highway Commercial	
District C-2	1153.02
Light Industrial	
District M-1	1157.02
Manufactured Home	
District M-H	1145.01
Open Space District O S	1135.02
Planned Industrial/Business	
Park M-3	1163.02
principally permitted uses	1133.04
Second Density	
Residential District R-2	1139.02
Third Density Residential	
District R-3	1141.02

**UTILITIES**

flood damage prevention	1327.04
trees near wires	913.13

**U TURN**

prohibited	331.12
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**VANDALISM**

criminal mischief	541.04
vehicular	541.09

**VEHICLE (see MOTOR VEHICLE)****VEHICLE EQUIPMENT**

air cleaner	337.25
all purpose vehicle	375.02
brakes	337.18
brakes, engine or jake	337.31
bumpers	337.29
chains	339.10
child restraint system	337.26
directional signals required	337.30

**VEHICLE EQUIPMENT (Cont.)**

exceptions	337.01(c)
exhaust noise	331.36
horn, siren	339.19
lights (see VEHICLE LIGHTS)	
loads (see VEHICLE LOADS)	
motorcycle, off-highway	375.02
motorized bicycle	373.10
mud flaps	339.05
muffler	
exhaust noise	331.36
motor vehicle	337.20
snowmobile, all	
purpose vehicle	375.02
rear red reflector	337.05
rear-view mirror	337.21
red flag or light on load	337.08
seat belts	337.27
slow-moving vehicle, emblem	337.10
snowmobile	375.02
spikes, lugs	339.10
sunscreening	337.28
theft alarm signal	337.19
tinted windows	337.28
tires	
peeling	331.36
studded	339.11
wheel protectors	339.05
windshield regulations	337.22

**VEHICLE LIGHTS**

auxiliary driving lights	337.11
back-up	337.12
bicycle	373.06
commercial vehicle,	
safety lighting	337.06
distance, height measurement	337.02
electric personal assistive	
mobility device	371.12(b)
fender or cowl	337.12
flashing	337.10(e), 337.16
headlights	
focus and aim	337.17
required	337.03
use of beams	337.14

<b>VEHICLE LIGHTS (Cont.)</b>			<b>VILLAGE ADMINISTRATOR (Cont.)</b>	
lighted, time		337.02	powers; duties;	
motorized bicycle	337.02,	373.10	functions	131.02, 131.05
number permitted		337.16	residency	131.03
parked or stopped		337.09	sewer administration,	
slow-moving vehicle			enforcement	925.06
less intensity		337.15	<b>VIOLENCE, INCITING</b>	509.011
requirements		337.10	<b>VOYEURISM</b>	533.06
snowmobile, all			<b>WALLS (see FENCES AND WALLS)</b>	
purpose vehicle		375.02	<b>WATER AND SEWER DEPARTMENT</b>	
spotlight		337.11	operating hours	105.01
stop lights		337.24	<b>WATERCOURSE</b>	
tail lights		337.04	obstruction removal	521.05
two displayed		337.13	solid waste corrupting	521.08
vehicles in combination,			<b>WATERCRAFT (see also ALL</b>	
obscured		337.07	<b>PURPOSE VEHICLE)</b>	
<b>VEHICLE LOADS</b>			dropping or throwing objects at	541.09
extension on left side		337.23	<b>WATER REGULATIONS</b>	
information on request		339.04	backflow device;	
leaking or dropping		339.08	notice; installation	933.03
obstructing driver's view		331.25	charges	
projecting, red flag or light		337.08	billing dispute resolution	933.12
shifting or loose		339.09	billings	933.09
truck loading zones		351.09	property owner liable	941.03
<b>VEHICULAR HOMICIDE</b>		537.02	rates	941.01
<b>VENDING MACHINES (see also</b>			Rotary Water Line Fund	941.02
<b>COIN MACHINE)</b>			tap fee for line extensions,	
cigarettes, tobacco or alternate			additional	941.02
nicotine products		537.16	Village right	
<b>VENTILATION</b>			to change	933.10, 941.04
heaters and burners		521.02	cross-connections prohibited	933.04
<b>VIDEO SERVICE PROVIDERS</b>		721.01	emergency use plans	933.02
<b>VILLAGE</b>			established	933.08
operating hours of offices			Manufactured Home	
and departments		105.01	District M-H	1145.02
<b>VILLAGE ADMINISTRATOR (see also</b>			owner liability	933.11
<b>PUBLIC SERVANT)</b>				
areas of responsibilities		131.04		
operating hours of offices				
and departments		105.01		
position created		131.01		

**WATER REGULATIONS (Cont.)**

right of entry	933.06
service	
disconnection for	
late payment	933.13
discontinued; restoration	933.07
subdivision	
requirements	1107.01, 1107.11
surveys, investigations	933.05
wells regulated	933.01

**WEAPONS (see also DANGEROUS  
ORDNANCE)**

carrying concealed	549.02
defacing firearm identification	
marks; possessing	
defaced firearm	549.11
definitions	549.01
discharging	549.08
minor, purchase by	549.07
missiles	549.09
motor vehicle, handling in	549.04
parks, in	959.02
replica firearm on	
school premises	549.10
transactions unlawful	549.06
use while intoxicated	549.03

**WELLS**

permit; plat approval required	1109.03
water	933.01

**WHEELCHAIR**

electric personal assistive	
mobility device	371.12
motorized	
defined	301.52
operator's rights	371.11

**WIND TURBINES** 1181.01 et seq.**WOUNDS AND BURNS**

reporting	525.05
-----------	--------

**YARDS**

definitions	1117.01
fences on	1175.01, 1175.02

**YARDS (Cont.)**

General Industrial District M-2	1159.05
Light Industrial District M-1	1157.05
parking lots	1179.05
Planned Industrial/ Business Park M-3	1163.09
projections into	1115.06
R-1 District, in	1137.04
R-2 District, in	1139.04
schedule of regulations	1167.01

**YIELD SIGNS (see TRAFFIC  
CONTROL DEVICE)****ZONING APPEALS BOARD**

appeals	1123.05
appeal to court	1123.08
authority	1123.03
hearings	1123.06
meetings	1123.02, 1123.06
meetings, notice of	103.02 et seq.
membership	1123.01
quorum and vote	1123.07
standards	1123.04

**ZONING DISTRICTS (see also ZONING  
ORDINANCE)**

boundary interpretation	1115.04
business (see COMMERCIAL DISTRICTS)	
commercial (see COMMERCIAL DISTRICTS)	
establishing	1133.01
industrial (see INDUSTRIAL DISTRICTS)	
Open Space District O S	
area, height, bulk,	
placement requirements	1135.04
purpose	1135.01
uses	
conditionally permitted	1135.03
principal permitted	1135.02
planned unit development (see PLANNED UNIT DEVELOPMENT PUD)	

<b>ZONING DISTRICTS (Cont.)</b>		<b>ZONING ORDINANCE (Cont.)</b>	
regulations established	1133.02	violations	1121.14
residential (see RESIDENTIAL DISTRICTS)		yards (see YARDS)	
schedule of regulations	1167.01	<b>ZONING PERMITS</b>	
<b>ZONING INSPECTOR</b>		application contents	1121.03
appeals from	1123.05	approval	1121.04
duties	1121.01	construction, use as in	
enforcement by	1115.06	application, plans,	
Flood Damage Prevention		permits	1121.10
Administrator, as	1327.03(c)	expiration	1121.05
permit issuance	1121.02	failure to obtain	1121.09
<b>ZONING MAP</b>		fees	1121.13
boundary interpretation	1115.04	records	1121.08
identification	1115.03	required	1121.02
<b>ZONING ORDINANCE</b>			
amendments and supplements			
application contents	1127.03		
effective date, referendum	1127.10		
general provisions	1127.01		
initiation	1127.02		
Planning Commission			
recommendation	1127.05		
transmittal to	1127.04		
Village Council			
action	1127.09		
notice of	1127.07, 1127.08		
public hearing	1127.06		
definitions	1117.01		
districts (see ZONING DISTRICTS)			
enforcement	1115.06		
enforcement, penalty, remedies	1121.14		
fees, charges,			
expenses	1121.12, 1121.13		
general provisions	1115.06		
lots (see LOTS)			
minimum requirements	1115.05		
purpose and intent	1115.02		
scope	1115.06		
title	1115.01		
uses (see USE REGULATIONS)			
violation complaints	1121.11		

## COMPARATIVE SECTION TABLE

EDITOR'S NOTE: Source material for the Codified Ordinances of Fayette was either ordinances or resolutions enacted by Council, or new matter ordained by the Adopting Ordinance. Sections of the Codified Ordinances without any history indicate that such sections contain new matter ordained by the Adopting Ordinance. In the following table, the disposition of all source material in the Fayette Codified Ordinances is indicated.

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<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>	<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
70-2	3-12-70	169.01	90-15	9-27-90	941.02
70-9	10-8-70	165.01 to 165.08, 165.11, 165.13, 165.14, 165.18	91-10	12-12-91	907.04
74-17	1-9-75	139.02	92-05	5-28-92	111.01 to 111.05
75-9	11-13-75	143.01 to 143.04	93-09	10-28-93	1327.01 to 1327.04
Res. 76-5	10-14-76	103.02 to 103.06	95-07	7-13-95	953.01 to 953.04, 953.99
76-7	12-22-76	131.01, 131.02	95-12		131.02(c)(d), 131.03
76-8	12-22-76	131.04, 131.05	96-03	2-8-96	375.03
77-2	4-28-77	959.01 to 959.03, 959.99	96-08		941.01(e)
78-5	5-11-78	715.01 to 715.05, 715.99	97-04		105.01
78-8		339.02	97-11	6-26-97	959.04
81-7	11-12-81	165.04(a), 165.09, 165.10, 165.16, 165.17	97-13		707.01 to 707.03, 707.99
83-3	4-14-83	165.01(l)	97-14	9-25-97	337.31
85-3	2-28-85	331.12(a)	99-12	1-13-00	1115.01 to 1115.06, 1117.01, 1119.01 to 1119.07, 1121.01 to 1121.14, 1123.01 to 1123.08, 1125.01, 1125.02, 1127.01 to 1127.10, 1133.01 to 1133.05, 1135.01 to 1135.04, 1137.01 to 1137.04, 1139.01 to 1139.04, 1141.01 to 1141.05, 1145.01,
86-2	4-10-86	165.15			
87-4	9-10-87	169.02			
88-1	3-24-88	165.12(b)			
88-7	11-22-88	941.01(c), 941.03, 941.04			
1989-2	3-23-89	139.01			
1990-02	2-22-90	907.01			
1990-03	2-22-90	907.02			
1990-04	2-22-90	907.03			
90-01	Approved by Voters 5-8-92	165.02			

COMPARATIVE SECTION TABLE

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>	<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
99-12(Cont.)		1145.02, 1147.01, 1147.02, 1151.01 to 1151.05, 1153.01 to 1153.05, 1157.01 to 1157.06, 1159.01 to 1159.06, 1163.01 to 1163.09, 1167.01, 1169.01 to 1169.08, 1171.01 to 1171.07, 1173.01 to 1173.07, 1175.01, 1175.02, 1177.01, 1177.02, 1179.01 to 1179.06	Adopting Ordinance (Cont.)		341.06, 351.01 to 351.13, 371.01 to 371.12, 373.01 to 373.11, 375.01, 375.02, 375.04 to 375.08, 501.01 to 501.12, 501.99, 505.01 to 505.14, 505.99, 509.01 to 509.07, 509.99, 513.01 to 513.14, 517.01 to 517.14, 517.99, 521.01 to 521.10, 525.01 to 525.17, 529.01 to 529.08, 533.01 to 533.13, 537.01 to 537.18, 541.01 to 541.10, 545.01 to 545.20, 549.01 to 549.11, 1501.01 to 1501.12, 1501.99, 1511.01 to 1511.05, 1511.99, 1519.01 to 1519.05, 1519.99
2000-23	12-18-00	127.02			
2001-01	3-22-01	913.01 to 913.14, 913.99			
2002-03		1101.01 to 1101.07, 1103.01, 1105.01 to 1105.03, 1107.01 to 1107.11, 1109.01 to 1109.06, 1109.99			
8-8-02		111.01(c)			
2002-10	12-12-02	351.14			
2003-01	6-26-03	127.01			
2004-05	6-10-04	925.01 to 925.06			
2004-08	12-23-04	933.01, 933.02, 933.09 to 933.14, 933.99	2008-04	8-14-08	1309.08(f)
2005-03	4-14-05	941.01	2008-08	8-14-08	907.02
2006-06	6-22-06	941.01(d)	2008-10	9-11-08	1147.02
2006-14	1-28-07	351.15	2008-11	9-11-08	1181.01 to 1181.04
2007-13	10-25-07	933.03 to 933.08	2008-12	10-13-08	351.15
2007-20	12-27-07	165.12(a)	2008-13	9-11-08	907.01 to 907.08
2202-09	12-30-02	1309.01 to 1309.08, 1309.99	2008-14	9-11-08	1183.01
Adopting Ordinance		101.01 to 101.08, 101.99, 301.01 to 301.52, 303.01 to 303.10, 303.99, 305.01 to 305.05, 311.01 to 311.03, 313.01 to 313.11, 331.01 to 331.11, 331.12(b) to 331.43, 333.01 to 333.10, 335.01 to 335.14, 337.01 to 337.30, 339.01, 339.03 to 339.11, 341.01 to	Res.		
			2009-05	4-23-09	127.03
			2009-05	6-11-09	545.091
			2009-13	10-8-09	375.03
			2009-14	10-8-09	1147.02
			2009-15	10-22-09	941.01
			2010-01	1-28-10	Ch. 111 Editor's Note
			2010-06	6-15-10	941.05
			2010-10	9-21-10	505.07
			2010-23	2-28-11	1327.02(b)



<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>	<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
2011-02	4-4-11	165.01 to 165.18			
2011-09	4-4-11	1327.01 to 1327.04			
2011-12	7-27-11	375.01 to 375.03, 375.99			
2011-15	9-28-11	1115.01 to 1115.06, 1117.01, 1119.01 to 1119.07, 1121.01 to 1121.14, 1123.01 to 1123.08, 1125.01, 1125.02, 1127.01 to 1127.10, 1133.01 to 1133.05, 1135.01 to 1135.04, 1137.01 to 1137.04, 1139.01 to 1139.04, 1141.01 to 1141.05, 1145.01, 1145.02, 1147.01, 1147.02, 1151.01 to 1151.05, 1153.01 to 1153.05, 1157.01 to 1157.06, 1159.01 to 1159.06, 1163.01 to 1163.09, 1167.01, 1169.01 to 1169.08, 1171.01 to 1171.07, 1173.01 to 1173.07, 1175.01, 1175.02, 1177.01 to 1177.08, 1179.01 to 1179.06, 1181.01 to 1181.04, 1183.01			
2012-17	11-28-12	1121.14			
2012-19	12-19-12	339.01			
2013-17	11-26-13	171.01			
2013-18	11-26-13	513.15			
2013-22	12-18-13	925.05, 941.01			
2014-02	2-25-14	721.01			
2014-03	2-25-14	351.15			
2014-07	7-23-14	509.08			
2014-08	7-23-14	959.04			
2014-14	11-19-14	351.15			
2014-15	9-24-14	339.02			
2014-18	10-22-14	941.01			
2014-21	12-23-14	505.15			



## EXPLANATION OF TABLES OF SPECIAL ORDINANCES

The Codified Ordinances of Fayette cover all ordinances of a general and permanent nature. The provisions of such general and permanent ordinances are set forth in full in the Codified Ordinances.

References must be made frequently to many special ordinances - particularly those related to property, such as dedications, vacating of property, easements, purchase, sale, etc. In the following Tables A through I, all such ordinances are listed. These tables list ordinances chronologically by subject, and include both a citation to and a brief description of each ordinance.

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## TABLES OF SPECIAL ORDINANCES OF FAYETTE

- TABLE A - Franchises
- TABLE B - Easements
- TABLE C - Vacating of Streets and Alleys
- TABLE D - Dedication and Plat Approval
- TABLE E - Acquisition of Real Property
- TABLE F - Lease of Real Property
- TABLE G - Street Grade Levels and Change of Street Name
- TABLE H - Annexation and Detachment of Territory
- TABLE I - Zoning Map Changes



TABLE A - FRANCHISES

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
81-11	12-17-81	Grants nonexclusive franchise to Visual Communications America, Inc., for cable TV system in the Village.
83-6	4-28-83	Cancelling cable TV franchise previously granted to Visual Communications America, Inc.
83-7	4-28-83	Grants nonexclusive franchise for antenna TV system in Village.
84-4	3-22-84	Consents to assignment of cable TV franchise to Northern Ohio CATV Associates.
84-11	9-27-84	Accepts proposal of Triax Cablevision.
87-12	12-22-87	Directs contract with Toledo Edison Co. for street lighting in the Village for 3 years.
89-3	5-11-89	Grants to Ohio Gas Co. right to maintain gas works, storage facilities and distribution system in the Village.
Res. 97-01	3-13-97	Consents to sale and assignment of assets, cable TV franchise and lease, from Triax Associates I, L.P. to Frontiervision Operating Partners, L.P.
98-05	10-22-98	Grants cable TV franchise to Frontiervision Operating Partners, L.P.
Res. 2005-05	8-11-05	Approves assignment of franchise and cable system to Time Warner NY Cable LLC.
2006-01	2-23-06	Provides creation and sale of franchise for garbage and refuse collection and disposal; authorities contract with lowest responsible bidder.
2008-02	2-14-08	Provides creation and sale of franchise for garbage and refuse collection and disposal; authorities contract with lowest responsible bidder.



TABLE B - EASEMENTS

<u>Ord. No.</u> <u>Res.</u>	<u>Date</u>	<u>Description</u>
83-1	1-13-83	Authorizes extinguishing waterline easement across Lots 23 and 28 of G.W. Beaverson Subdivision, Second Extension.
92-08	6-25-92	Authorizes purchase of sewer easement and right of access to install grinder pump from Quality Tube Services, Inc.
2004-12	9-16-04	Accepts and approves permanent easements granted by various property owners in connection with constructing sanitary and storm sewer mains at west end of Village.





TABLE C - VACATING OF STREETS AND ALLEYS

<u>Ord. No.</u> <u>Res.</u>	<u>Date</u>	<u>Description</u>
77-4	5-12-77	Closing Eagle St. from south line of Fulton St. to north line of Water St.
78-9	10-12-78	Alley between Lots 25-33, Emerick's Addition (E) and Lots 34-42, Emerick's Addition (W).
78-10	10-12-78	Ann Street.
78-18	1-25-79	Portion of Eagle St.
82-3	n.d.	Alley running to intersection of Gorham St. (W) and intersection of Cherry St. (E).
84-10	9-27-84	Street in Emerick's Addition.
87-3	6-25-87	Alley between lots in L. Gamber's Addition running from Lawrence Street east.
0-89-5	n.d.	North 6 feet of Union Street.
94-05	n.d.	Portion of alley running south from Water St.
94-10	n.d.	Ann St. between Lots 46 and 47 in Emerick's Addition.
96-04	2-8-96	Alley between Lots 1-4(N) and Lots 5-8(S) of Block 9, J.O. Allen Subdivision.
2000-12	9-28-00	Alley between Lots 37 and 38, Springwood Acres Subdivision.
2000-13	11-9-00	Alley between Lots 25-28 and Lots 37-40, Gamber's Addition.
2000-16	10-26-00	Thompson St. between Lots 24 and 37(N) and Lots 25 and 36(S).



TABLE D - DEDICATION AND PLAT APPROVAL

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
65	5-23-57	Accepts plat of George Zeigler of George Zeigler's Addition; confirms dedication of streets and alleys.
79-6	10-25-79	Accepts plat of G.W. Beaverson Subdivision, Second Extension to Village.
Res. 2004-08	7-22-04	Accepts dedication of property from Fayette Industrial Properties. See also Table G.
Res. 2011-06	9-28-11	Repeals Resolution 2004-08, accepting a dedication of property from Fayette Industrial Properties, Ltd.



TABLE E - ACQUISITION OF REAL PROPERTY

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
66	6-27-57	Authorizes purchase of real estate on land contract from C.E. Stoner for storing Village's trucks and equipment.
68-10	12-12-68	Granting authority to sell part of Lot 4, Block 3 of Keefer's Division to Trustees of Gorham Twp.
Res. R-3	3-27-69	Purchase of 6 acres near Village Park to enlarge present park.
69-7	3-27-69	Authorizes airport for Village; purchase of 3.099 in Gorham Twp. acres from A.G. and F. Kunkle; 3.03 acres in Gorham Twp. from M. and O. Heximer; parcels from G.C. and C. Burkholder in Gorham Twp. for airport purposes.
69-10	8-28-69	Authorizes purchase of 6.837 acres in Gorham Twp. from R. and L. Martin.
69-11	12-11-69	Grants authority to sell Village real estate to Fayette Airport, Inc.
71-4	4-12-71	Authorizes sale to highest bidder of real estate not needed by Village for any municipal purposes.
73-5	n.d.	Authorizes contract to purchase 2 land parcels from R. Creighton, Rt. 1 for water system project.
76-5	8-12-76	Authorizes contract to purchase real estate from Estate of Walter Jewell, deceased.
77-4	8-11-77	Authorizes contract to purchase 2 land parcels from L.A. Stahl.
77-5	8-11-77	Authorizes contract of purchase for real estate from A.W. and R.E. Brentlinger.
84-6	5-10-84	Authorizes sale of real estate known as Railroad Street.
92-01	1-9-92	Authorizes purchase of 2.543 acres for economic development.
92-03	4-9-92	Authorizes sale of 1 acre in Gorham Twp. to the Fayette Investment Group, Inc.
97-06	n.d.	Grants option to purchase 1.543 acres from the Village.
97-10	5-8-97	Authorizes sale of 1 acre to KLC Limited.
Res. 2004-03	6-10-04	Accepts title to 12 acres of real estate from W. Brawley, Jr. and J.L. Brawley.



TABLE F - LEASE OF REAL PROPERTY

<u>Ord. No.</u> <u>Res.</u>	<u>Date</u>	<u>Description</u>
80-3	6-26-80	Authorizes lease with G. Beaverson for a park playground.
0-1990-10	6-28-90	Authorizes lease with D. Pfund, et ux. for property for mini-pedestrian mall.
98-03	n.d.	Enabling Mayor to enter lease with Frontier Vision Operating Partners, LP for additional land to attach antenna tower to Village water tower.





TABLE G - STREET GRADE LEVELS AND CHANGE OF STREET NAME

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
78-6	5-25-78	County Rd. S renamed Industrial Parkway; County Rd. R renamed Gamble Rd.
Res. 2004-08	7-22-04	Public street newly extended from Railroad St. to Park St. as a result of property dedication is renamed Nyce Drive; see Table D.
Res. 2011-06	9-28-11	Public street newly extended from Railroad St. to Park St. as a result of property dedication is renamed Nyce Drive; see Table D.



TABLE H - ANNEXATION AND DETACHMENT OF TERRITORY

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
105	10-27-66	Accepts annexation application of Dorson Ford and others for territory in Gorham Twp.
70-11	1-28-71	Accepts annexation application for 22.245 acres in Gorham Twp.
78-1	4-13-78	Accepts annexation application for 4.092 acres in Gorham Twp.
78-2	4-13-78	Accepts annexation application for 0.289 acres in Gorham Twp.
78-3	4-13-78	Accepts annexation application for 14.026 acres in Gorham Twp.
79-2	3-22-79	Authorizes annexation of 2 acres in Gorham Twp.
Res. 2006-05	4-27-06	Accepts annexation agreement between Gorham Twp. and the Village.
Res. 2006-12	11-21-06	Accepts annexation of 55.452 acres owned by Gorham Fayette Local School District.



TABLE I - ZONING MAP CHANGES

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
93-02	n.d.	Portions of J.J. Gamber's Addition from Light Industrial (M-1) to First Density Residential (R-1) District.
93-10	10-14-93	300 E. Main St. from First Density Residential (R-1) to Highway Commercial (C-2) District.
94-09	8-11-94	202 W. Main St. from First Density Residential (R-1) to General Business (C-1) District.
94-19	1-26-95	Property in J.O. Allen's Addition, Sec. 20, Block 10, Lot 3 from First Density Residential (R-1) to Highway Commercial (C-2) District.
97-16	n.d.	Property at 210 S. Maple St. from R-1 to Open Space District for use as Village park.
2000-10	7-13-00	302 Fulton St. from Highway Commercial (C-2) to Second Density Residential (R-2) District.
2009-07	6-4-09	302 and 304 Fulton St. from Highway Commercial (C-2) to Second Density Residential (R-2) District.
2010-11	7-1-10	611 West Main Street from First Density Residential (R-1) to Highway Commercial (C-2).

